

RCRA REVISION CHECKLIST 76

Criteria for Listing Toxic Wastes; Technical Amendment
 55 FR 18726
 May 4, 1990
 (Non-HSWA Cluster VI)

Note: 1) Because the rule addressed by this checklist did not represent a change in EPA testing policy, it was viewed as a technical amendment and promulgated without allowing public notice and comment. EPA learned that some organizations opposed EPA's interpretation and favored the language prior to the May 4, 1990 revision. In the interest of a full public airing of the issue, the Agency obtained a judicial remand of the May 4, 1990 amendment (EDF V. EPA, No. 90-1387 (D.C. Cir.)) on May 20 1991. On January 2, 1992 (57 FR 12), EPA reissued the May 4, 1990 amendment. Because these changes were already addressed by this present checklist, a checklist was not developed for the January 2, 1992 final rule nor was this rule added to this checklist (i.e., this rule was not added to StATS).

2) This checklist has been designated as optional because not all States have analogs to 261.11 and would only need to adopt the amendments addressed by this checklist if the State has an analog.

		ANALOGOUS STATE CITATION	STATE ANALOG IS:		
FEDERAL REQUIREMENT	FEDERAL RCRA CITATION		EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE

PART 261 - IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

SUBPART B - CRITERIA FOR IDENTIFYING THE CHARACTERISTICS OF
 HAZARDOUS WASTE AND FOR LISTING HAZARDOUS WASTE

† <u>CRITERIA FOR LISTING HAZARDOUS WASTE</u>	
replace "unless" after "Appendix VIII" with "and"; delete "any of" after "considering"; delete "not" after "waste is"	261.11(a)(3)